

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANTHONY SANCHEZ-  
MARRERO, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GLORIA SANCHEZ,

Respondent-Appellant,

and

FERNANDO MARRERO,

Respondent.

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UNPUBLISHED  
February 17, 2004

No. 250738  
Saginaw Circuit Court  
Family Division  
LC No. 03-028223-NA

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

PER CURIAM.

Respondent-appellant Gloria Sanchez (hereinafter respondent) appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), and (m). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

This Court reviews for clear error both a circuit court's decision that a ground for termination of parental rights has been proven by clear and convincing evidence and the court's decision whether termination serves the child's best interests. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The circuit court's findings of fact qualify as clearly erroneous when this Court is left with the definite and firm conviction that a mistake was made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996). Clear error does not exist unless a decision strikes the reviewing court as more than just maybe or probably wrong. *In re Trejo*, *supra* at 356.

Although the circuit court found termination of respondent's parental rights appropriate pursuant to three statutory subsections, respondent's lengthy argument on appeal challenges only the termination of her parental rights on the basis of neglect. Respondent does not specifically contest the court's decision to order termination pursuant to §19b(3)(m), which authorizes

termination when a parent's "rights to another child were voluntarily terminated following the initiation of [child neglect proceedings]."

Clear and convincing evidence established the applicability of §19b(3)(m) in this case. Unrebutted evidence indicated that respondent's older daughter and the instant child's half-sister previously became involved in termination proceedings because of respondent's substance abuse problem, and respondent herself admitted that she relinquished her parental rights to her daughter. The circuit court also took judicial notice of the contents of its own file with respect to the child protective proceedings involving respondent's daughter. In light of this evidence, we do not possess the definite or firm conviction that the circuit court clearly erred in finding that clear and convincing evidence supported termination of respondent's parental rights pursuant to § 19b(3)(m). *In re Conley*, *supra* at 42. Because only one statutory ground need exist to support an order of termination, this Court need not consider the circuit court's reliance on §§19b(3)(g) and (j). *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999).<sup>1</sup>

Respondent also challenges the circuit court's finding that the record was devoid of evidence that termination of her parental rights would adversely affect the child's best interests. Respondent essentially offers on appeal the suggestion, unsupported within the record, that her limited mental capacity and diabetes rendered her incapable of participation in any treatment plan services, and that she should receive further opportunities to participate in services. But respondent entirely fails to address how termination of her parental rights would qualify as contrary to *the child's* best interests. MCL 712A.19b(5).

After reviewing the record, it is apparent that respondent ignores the clear and convincing evidence therein of her failure and inability to provide the child proper care and custody. The record shows that respondent only meagerly participated in the child's upbringing before his removal and frequently ignored his needs for food and human interaction. She also repeatedly failed to provide the child with needed medical care. And despite a history of alcohol abuse that led to her past neglect of the child's half-sister, the record revealed that respondent currently used alcohol in the face of her serious health problems and refused to make any effort to address her substance abuse problem. Further, respondent exhibited a longstanding lack of employment, had no verified, appropriate housing for the child, and lacked a specific plan to support and otherwise care for the child.

Because at least one ground for termination was established by clear and convincing evidence, the trial court was required to terminate respondent's parental rights unless the trial

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<sup>1</sup> We nevertheless note that the record supports the trial court's findings that respondent failed to provide the proper care and custody to her child and that she would be unable to do so within a reasonable time, given her child's age.

court found that termination was clearly not in her child's best interests. MCL 712A.19b(5); *Trejo, supra* at 364-365.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Peter D. O'Connell  
/s/ Karen M. Fort Hood